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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/768,606	12/18/1996	ANDREW T. BUSEY	4068.P002X	1226

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[REDACTED] EXAMINER

KINDRED, ALFORD W

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2172

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	08/768,606	BUSEY ET AL.	
	Examiner Alford W. Kindred	Art Unit 2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 7/30/02.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) \_\_\_\_\_ is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 10-68 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This action is responsive to communications: Amendment F, filed on 7/30/02.

This action is made final.

### ***Claim Rejections - 35 U.S.C. § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volano, "VolanoChat Java solution turns ordinary web sites into interactive money makers", Business Wire, pp.1-2, in view of Judson, U.S. Patent Number 5,572,619, filed 10/19/95, class 395/793, title "Web browser with dynamic display of information objects during linking", and further in view of Sanderman, US 5,794,006.

With respect to independent claim 10, Volano discloses "establishing a chat region controlled by a chat client" ("VolanoChat works with all Java-compatible browsers . . . can accommodate large numbers of simultaneous real-

time interactions . . . such as browser plug-ins, Internet chat . . ."--page 1 of 2).

Volano does not disclose "a browser frame controlled by a browser client . . .".

Sanderman discloses "a browser frame controlled by a browser client . . . with the browser region" (see col. 7, lines 16-45). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Sanderman and Volano above, because using the steps of a browser client that is controlled by a browser frame, would have given those skilled in the art the ability to incorporate chat functions in a user's browser.

Volano does not disclose "in response to a command received by a computer, establishing a browser . . .". Judson discloses "in response to a command received by a computer, establishing a browser . . ." ("client machine having a browser, wherein the information objects are downloading of a hypertext object, selectively displaying one of the stored information objects . . ."--column 10, line 53). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Judson "in response to a command received by a computer, establishing a browser . . ." ("client machine having a browser, wherein the information objects are downloading of a hypertext object, selectively displaying one of the stored information objects . . ."--column 10, line 53) with the teachings of Volano above, because using the steps of "in response to a command received by a computer, establishing a browser . . ." would have given those skilled in the art the tools to create a browser in the an Internet environment. This give users the ability to user browsers to view and manipulate information on the Internet via commands of a computer.

With respect to dependent claim 11, Volano discloses "displaying the chat region and the browser region simultaneously on the display device; and allowing a user to concurrently perform a chat function, a browser function or both" ("simultaneous real-time interactions . . . user-group support . . ."--page 1 of 2).

With respect to dependent claim 12, Volano discloses "establishing the browser and chat regions on the display device, the command being received by the computer from a user or a computer network" ("optimized for novice Web users that just want to chat . . . all the Java chat applications . . ."--page 1 of 2).

With respect to dependent claim 13, Volano discloses "with a chat client resident on the computer, processing chat content using a browser server for display in the chat region; with a browser resident on the computer, processing a document or other content for concurrent display in the browser region" ("Volano markets Java solutions for multi-user environments . . . a Web-based chat solution written entirely in Java . . ."page 2 of 2).

With respect to dependent claim 14, Volano discloses "linking the chat client to the browser so that the chat client controls the content displayed in the browser region." Judson discloses "linking the chat client to the browser so that the chat client controls the content displayed in the browser region" ("the first hypertext document . . . link that initiates downloading of the second hypertext document . . ."--column 8, line 45). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Judson "linking the chat client to the browser so that the chat client controls the content displayed in the browser region" ("the first hypertext

document . . . link that initiates downloading of the second hypertext document . . .

."--column 8, line 45) with the teachings of Volano above, because using the steps of "linking the chat client to the browser so that the chat client controls the content displayed in the browser region" would have given those skilled in the art the tools to link chat data controls to the client. This gives users at the client the benefit of using browser functions when operating in the chat mode.

with respect to dependent claim 15, Volano discloses "linking the chat client to the browser through an application program interface of the browser" ("administrative features include modification of all user-interface text . . ."--page 1 of 2).

With respect to dependent claim 16, Volano discloses "in response to the chat content received by the computer, invoking the chat client through the application program interface, so that the chat content is displayed in the chat region" ("VolanoChat supports banner advertisements in its chat rooms . . ."--page 1 of 2).

With respect to dependent claim 17, Volano discloses "so that the chat content is displayed in the chat region, the chat content being of a particular MIME type" ("the first Java based chat solution . . . complete administrative control . . ."--page 1)

With respect to dependent claim 18, Volano does not disclose "so that the chat content is displayed in the chat region, the chat client including a file having a particular extension." Judson discloses "so that the chat content is displayed in the chat region, the chat client including a file having a particular extension"

("supports files in the form of documents and pages . . . protocol that provides user access to files . . ."--column 3, line 53). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Judson "so that the chat content is displayed in the chat region, the chat client including a file having a particular extension" ("supports files in the form of documents and pages . . . protocol that provides user access to files . . ."-column 3, line 53) with the teachings of Volano above, because using the steps of "so that the chat content is displayed in the chat region, the chat client including a file having a particular extension" would have given those skilled in the art the tools to recognize and display data according the extension without opening the entire file.

With respect to dependent claim 19, Volano discloses "linking the chat client to the browser through the application program interface, the application program interface being implemented as a plug-in architecture" ("chat technologies, such as browser plug-ins . . ."--page 1 of 2).

With respect to dependent claim 20, Volano discloses "an ActiveX architecture" ("Volcano server runs on any platform that supports Java, including Microsoft . . ."--page 1 of 2).

With respect to dependent claim 21, Volano discloses "displaying the chat content in the chat region" ("Java based chat solution to offer in-room advertising . . ."--page 1 of 2).

With respect to dependent claim 22, Volano discloses "displaying the browser content in the browser region" ("Browser plug-ins, Internet Relay chat . . ."--page 1 of 2).

With respect to dependent claim 23 and 66-68, Volano does not disclose "the browser content including a markup language document." Judson discloses "the browser content including a markup language document" ("HTML tag is a "comment," . . . by the browser . . . HTML elements . . ."--column 5, line 6). It would have been obvious at the time of the invention for one of ordinary skill to have combined the teachings of Judson "the browser content including a markup language document" ("HTML tag is a "comment," . . . by the browser . . . HTML elements . . ."--column 5, line 6) with the teachings of Volano above, because using the step of "the browser content including a markup language document" would have given those skilled in the art the tools to view markup language via a browser. This gives users the ability to view interactions with information on the Internet.

With respect to claim 24, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 3 and is similarly rejected.

With respect to dependent claim 25, Volano does not disclose "establishing the chat region embedded in the web page; and establishing the Web page embedded in the browser region." Judson discloses "establishing the chat region embedded in the web page; and establishing the Web page embedded in the browser region" (the browser may be suitably programmed to queue the mini web page . . ."--column 6, line 42). It would have been obvious at

the time of the invention for one of ordinary skill in the art to have combined the teachings of Judson "establishing the chat region embedded in the web page; and establishing the Web page embedded in the browser region" (the browser may be suitably programmed to queue the mini web page . . ."--column 6, line 42) with the teachings of Volano above, because using the steps of "establishing the chat region embedded in the web page; and establishing the Web page embedded in the browser region" would have given those skilled in the art the ability to send and retrieve chat functions from embedded web pages and browsers. This allows users to communicate faster in chat rooms and the like.

With respect to claims 26 and 27, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 3 and are similarly rejected.

With respect to independent claim 28 and dependent claims 29-47, these claims are rejected on grounds corresponding to the arguments given above for rejected independent claim 10 and dependent claims 11-27. In independent claim 28 and dependent claims 29-47, Applicant claims a system which contains means corresponding to the steps of the method of independent claim 10 and dependent claims 11-27.

With respect to independent claim 48 and dependent claims 49-65, these claims are rejected on grounds corresponding to the arguments given above for rejected independent claim 10 and dependent claims 11-27. In independent claim 48 and dependent claims 49-65, Applicant claims a computer program

product which contains means corresponding to the steps of the method of independent claim 10 and dependent claims 11-27.

### ***Response to Arguments***

4. Applicant's arguments filed 7/30/02 have been fully considered but they are not persuasive.

With respect to applicant's arguments regarding "Volcano does not disclose the chat region being a real time continuously open bi-directional communications chat region . . ." examiner maintains that Volcano's teachings of "a chat room" in conjunction with a Java-compatible browser, clearly teach applicant's claim language above.

With respect to applicant's arguments regarding "Sanderman does not disclose establishing a browser region including a browser frame . . .", examiner maintains that Sanderman's teachings of "on-line editing . . .", is illustrative of a browser region including a browser frame for editing purposes as claimed by the applicant.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941

(Fed. Cir. 1992). In this case, the Judson Sanderman and Volcano references all teach elements of accessing, editing and processing markup language in a networking environment. Therefore, it would have been obvious to one of ordinary skill in the art to have combined the above references to arrive at the (editing web page) invention claim by the applicant.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US# 5,862,330, Anupam et al.

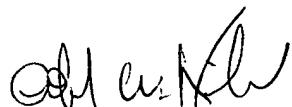
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 703-305-3802. The examiner can normally be reached on Mon-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Alford W. Kindred  
Patent Examiner  
Tech Ctr. 2100  
October 15, 2002